

Licence Number: PPL.sf.F3/96/2010

**LICENCE FOR THE OPERATION OF A PETROLEUM STORAGE FACILITY**

This licence is issued by the National Energy Regulator, hereinafter referred to as "NERSA", in terms of the Petroleum Pipelines Act, 2003 (Act No. 60 of 2003).

This licence is issued to

**Mpumalanga Petroleum CC**

*(Company Registration No: 2009/204173/23)*

hereinafter referred to as "the Licensee". This licence is only for the purpose of operation of a petroleum storage facility at:

**2 Beyer Street, Ermelo, Mpumalanga**

The operation of the petroleum storage facility permitted under this licence is subject to the terms and conditions as contained in this licence and/or amendments to these conditions as imposed by NERSA.

Issued at Pretoria on this 07<sup>th</sup> day of **March 2011**.

  
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**CHIEF EXECUTIVE OFFICER**



## LICENCE FOR THE OPERATION OF A PETROLEUM STORAGE FACILITY

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## DEFINITIONS

In these licence conditions any word or expression to which a meaning has been assigned in the Act shall have the meaning so assigned, unless the context indicates otherwise:

**“Act”** means the Petroleum Pipelines Act, 2003 (Act No. 60 of 2003) and includes Regulations;

**“authorised person”** means authorised person as defined in the Rules;

**“licensed activity”** means the activity contemplated in condition 1 of these conditions;

**“Regulations”** means Regulations made in terms of sections 33(1) and 33(2) of the Act;

**“Rules”** means Rules made by NERSA in terms of section 33(3) of the Act.

## CHAPTER ONE: LICENSED ACTIVITY

### 1. Licensed Activity

1.1 NERSA grants the Licensee a licence to operate a petroleum storage facility located at:

**2 Beyer Street,**

**Ermelo**

**Mpumalanga**

“the storage facility”

1.2 This licence is issued to the Licensee for the operation of a petroleum storage facility. The petroleum product stored at this facility is diesel.

1.3 The layout map of the storage facility is as reflected in **Annexure A – Site Layout Map**. The GPS coordinates for the facility are: 26<sup>0</sup>31'.839”S and 30<sup>0</sup>00'.038”E.

1.4 Details of the storage facility are provided in **Annexure B – Tank Details**.

1.5 The Licensee must carry out the activities for which this licence is granted from the date of issue of this licence.

### 2. Duration of Licence

2.1 This licence is valid for a period of 25 (twenty-five) years, commencing on the date of issue.

2.2 The Licensee may, in accordance with the Act and the Rules, apply for a renewal of the licence.

## **CHAPTER TWO: GENERAL CONDITIONS**

### **3. General Conditions of Licence**

Sections 20(1)(b), (c), (d), (e), (n), (o), (p), (r), (s), (u), (v), (w), (x), (aa) and (bb) of the Act are conditions of this licence.

### **4. Compliance with Conditions of Licence**

The Licensee must comply with all conditions of this licence.

### **5. Compliance with Legislation, Operation Codes and Standards**

The Licensee must comply with all applicable legislation, operation codes and standards, including those listed in **Annexure C – Legislation, Operation Codes and Standards**.

### **6. Amendment of Licence**

6.1. This licence may only be amended in accordance with the Act and the Rules.

6.2. NERSA may temporarily change these licence conditions in an emergency.

### **7. Revocation of Licence**

This licence may only be revoked in accordance with the Act and the Rules.

### **8. Changes in Details of the Licensee**

8.1. The Licensee must, within 30 (thirty) days of changes in its control as contemplated in section 12(2) of the Competition Act, 1998 (Act No. 89 of 1998), notify NERSA of such changes.

- 8.2. The Licensee must, within 14 (fourteen) days of any change in its registered name, operating or trading name, registered address or other contact details, notify NERSA of such a change.

## **9. Changes to the Storage Facility**

- 9.1. When approached by interested parties, the Licensee must negotiate for changes in the capacity of the storage facility. The cost of such changes must be shared equitably between the Licensee and the party requesting the change.
- 9.2. Changes to the storage facility that, in terms of the Act, may require an amendment or revocation of this licence, or a new licence, must not be effected until NERSA has amended or revoked this licence or issued a new licence.
- 9.3. Changes to the storage facility must be made in accordance with applicable legislation, codes and standards, including those listed in Annexure C – Legislation, Operation Codes and Standards.

## **10. Maintenance and Interruption of Operations**

- 10.1. The Licensee must maintain the storage facility in a fully operational condition.
- 10.2. The Licensee must notify NERSA and the Licensee's affected customers and distributors at least 48 (forty-eight) hours prior to any:
- (a) interruptions of or changes in normal operations; or
  - (b) maintenance or repair work
- that may adversely affect the delivery of petroleum.

- 10.3. Where delivery of petroleum is adversely affected as a result of an emergency, the licensee must notify NERSA as soon as possible or within 7 (seven) days of the emergency.
- 10.4. Any maintenance or repair work done to the storage facility must be done in accordance with applicable legislation, codes and standards, including those listed in **Annexure C – Legislation, Operation Codes and Standards.**

## **11. Correspondence with NERSA**

- 11.1. All official communication with NERSA must be in writing and must be addressed to the Chief Executive Officer and copied to the Regulator Member Primarily Responsible for Petroleum Pipeline Regulation.
- 11.2. The Licensee must, in all correspondence with NERSA, quote the licence number as it appears on the licence certificate.

## **CHAPTER THREE: SPECIFIC CONDITIONS**

### **12. Participation of Historically Disadvantaged South Africans**

The Licensee must:

- 12.1. comply with the Regulations regarding mechanisms to promote historically disadvantaged South Africans; and
- 12.2. on an annual basis and at the time of the anniversary of the date of issue of this licence, lodge with NERSA information regarding the participation of historically disadvantaged South Africans in its activities, as prescribed in the Regulations.

### **13. Regulatory Reporting**

The Licensee must comply with volume 4 of NERSA's Regulatory Reporting Manuals published under GN 1118 in *Government Gazette* No. 31392 of 10 September 2008, which may be amended by NERSA from time to time.

### **14. Uncommitted Capacity**

14.1. The Licensee must:

- (a) comply with section 20(1)(n) of the Act and the regulations regarding third party access;
- (b) lodge with NERSA its allocation mechanism for uncommitted capacity within 6 (six) months of receipt of this licence;
- (c) publish its allocation mechanism for uncommitted capacity on its website and keep a copy at the storage facility to enable potential customers to understand the procedure for obtaining access;
- (d) comply with its allocation mechanism for uncommitted capacity and, in accordance with that allocation



mechanism, allow third parties to have access to uncommitted capacity in the storage facility on commercially reasonable terms;

- (e) on request by NERSA, submit any information that NERSA requires to determine uncommitted capacity in the storage facility;
- (f) allow NERSA or any authorised person to have access to:
  - (a) the storage facility; and
  - (b) records pertaining to the licensed activity;and
- (g) submit information regarding third party access as prescribed in the Regulations and in a format determined by NERSA.

14.2. When the Licensee makes any changes to its allocation mechanism, it must lodge the amended allocation mechanism for uncommitted capacity with NERSA within 7 (seven) days of making the changes.

14.3. The amended allocation mechanism for uncommitted capacity must also be published on the Licensee's website and a copy thereof must be kept at the storage facility to enable potential customers to understand the procedure for obtaining access.

14.4. The Licensee may elect to give users access to the facility on the basis that the capacity is shared among all users in proportion to their needs.

## **15. Tariffs**

15.1. Within 3 (three) months of the date of issue of this licence, the Licensee must submit a tariff application to NERSA for approval of its proposed tariffs.

- 15.2. The tariff applications submitted by the Licensee must comply with:
- (a) the NERSA prescribed Minimum Information Requirements for Petroleum Pipelines Tariff Applications; and
  - (b) the relevant tariff methodology.
- 15.3. Once tariffs have been approved by NERSA, the Licensee must only charge those tariffs until NERSA approves different tariffs.

## **16. Non-discrimination**

- 16.1. The Licensee may not discriminate between customers or classes of customers.
- 16.2. Without limiting the generality of provision 16.1, the Licensee specifically shall not discriminate in respect of:
- (a) the manner, content and timing of the provision of any information to customers or prospective customers;
  - (b) the manner and timing of processing of applications and granting of capacity;
  - (c) the terms and conditions of any grant of capacity and any other service to be provided to any customer or prospective customer;
  - (d) tariffs, including without limitation, the offering and granting of any discount and the imposing of any surcharge;
  - (e) nominations and balancing; and
  - (f) scheduling of maintenance activities.
- 16.3. In the sales or purchases of petroleum by the Licensee or by related undertakings, the Licensee must not abuse commercially sensitive information obtained from third parties.

## **17. Entry, Inspection and Gathering of Information**

The Licensee must, in a manner prescribed by the Rules, permit any authorised person to enter and inspect any property on which the licensed activity is taking place.

## **18. Provision of Information to NERSA**

The Licensee must:

- 18.1. comply with the Regulations in respect of information required to be submitted to NERSA; and
- 18.2. on request from NERSA, provide all other information NERSA may require to perform its functions under the Act.

## **19. Operation and Maintenance Plans**

When the Licensee amends or makes changes to the operation and maintenance plans submitted as part of its application for this licence, the Licensee must, within 30 (thirty) days of such amendment or changes, submit the revised operation and maintenance plans to NERSA.

## **20. Emergency Plan**

The Licensee must annually submit to NERSA:

- 20.1. an emergency plan for implementation in the event of system failures, accidents and other emergencies; and
- 20.2. proof that it has:
  - (a) trained its operating and maintenance employees with regard to the applicable portions of the plan; and
  - (b) established liaison with the appropriate emergency response officials with respect to the plan.

## 21. Rehabilitation of Land

- 21.1. The Licensee must comply with the Regulations regarding the rehabilitation of land on which the licensed activity is taking place.
- 21.2. Within three months of the date of issue of this licence, the Licensee must:
- (a) submit to NERSA an estimate of the costs of rehabilitating land used in connection with the licensed activity in Rands of the day;
  - (b) submit an explanation of the basis for that estimate;
  - (c) submit to NERSA, for approval, its proposed mechanism to provide financial security for the purposes of rehabilitating land used in connection with the licensed activity;
  - (d) submit a short explanation of how that mechanism will work and what measures will exist to prevent such financial security from being used for other purposes;
  - (e) submit a funding plan for that financial security for purposes of rehabilitating land used in connection with its licensed activity; and
  - (f) submit the date on which it expects to draw down such financial security.
- 21.3. Thereafter, the Licensee must submit any information related to financial security for the rehabilitation of land used in connection with its licensed activity, whenever requested to do so by NERSA.
- 21.4. The Licensee must obtain from NERSA written approval to terminate that financial security mechanism before terminating that financial security mechanism.

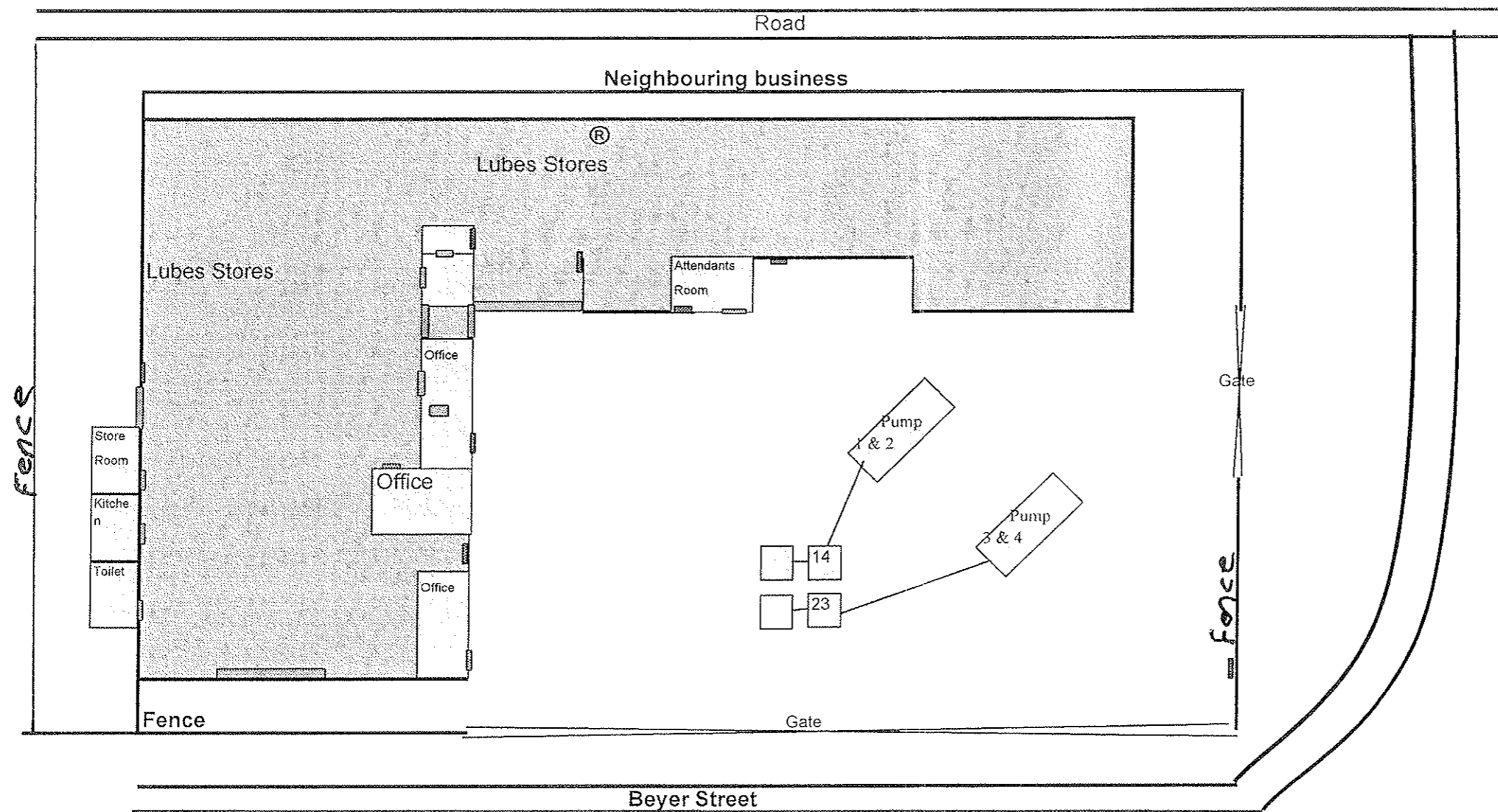
## **22. Ancillary Obligations**


The Licensee is responsible for compliance with these licence conditions regarding any work on the storage facility or services that are the subject of this licence and/or that are subcontracted to other parties.

## **23. Whole Licence**





This licence constitutes the entire licence and supersedes any prior understandings and agreements between the Licensee and NERSA.

## **ANNEXURE A: Site Layout**



Drawn: MG		BP MPUMALANGA (PVT) LTD- ERMELO DEPOT 	Project No: 01
Date: 16/05/09			Drawing No: A01
Scale: 1:200			Sheet No: 1 A

Key

	Fire Extinguishers
	Hose Reel
	Exit doors
	First Aid box

## ANNEXURE B: Tank Details

The petroleum storage tanks in the storage facility are:

<b>Tank Identification Number</b>	<b>Tank Type</b>	<b>Product Type</b>	<b>Operating Capacity (m<sup>3</sup>)</b>	<b>Design Capacity (m<sup>3</sup>)</b>
1	Underground tank	Diesel	12	14
2	Underground tank	Diesel	21	23
<b>Total</b>				<b>37</b>



## **ANNEXURE C: Legislation, Codes and Standards**

The Licensee must comply with the codes and standards as submitted in its licence application:

The applicant has to comply with legislation, codes and standards as prescribed by BP as reseller of BP products.

The Licensee must also comply with all other relevant legislation, including but not limited to the following:

1. Occupational Health and Safety Act, 1993 (No. 85 of 1993)
2. The National Environmental Management Act, 1998 (No. 107 of 1998)
3. The Environment Conservation Act, 1989 (Act No.73 of 1989)
4. The National Water Act, 1998 ( No. 36 of 1998)
5. The Water Services Act, 1977 (No. 108 of 1977)
6. NEM. Air Quality Management Act, 2004 ( No. 39 of 2004)
7. The Hazardous Substances Act, 1973 (No. 15 of 1973)
8. The Health Act, 1977 (No. 63 of 1977)
9. The National Health Act, 2003 (No. 61 of 2003)
10. The National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977)